

REMARKS

Disclosure (paragraph 5 of Office Action)

The USPTO has asked for information concerning the publication of the invention in paragraph 5 of the Office Action. The original application was filed as German Patent Application No. 19,925,167.3 on June 1, 1999. On May 20, 2000 a PCT application, WO 00/73236 (PCT/EP 00/04597) was filed with the European Patent Office designating the United States with the PCT application claiming priority from the German application. A true and correct translation of that application (Exhibit A) constitutes the specification of record. Certain minor handwritten amendments to the specification of record to correct translational errors and to put the wording of the application in better condition for review by the USPTO is attached to this Response as Exhibit B.

The USPTO has raised issues concerning the documents that were submitted and has requested clarification. The applicant asserts that all amendments to the specification of record were appropriate and did not add any new matter. As stated in paragraph 5 of the Office Action, "[a]n amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of the error in the specification, but also recognize the appropriate correction." None of the corrections to the original specification of record were amendments which a person skilled in the art would believe was "new matter."

Notwithstanding, if the USPTO believes that any of the modifications constitute "new matter", rather than debate this issue, the applicant will utilize the unamended certified translation of the PCT application as the specification of record. Please contact applicant's counsel concerning this issue if the Substitute Specification (Exhibit C) is still objected to.

Analysis of Claims 4-10 (paragraph 6 of Office Action)

The USPTO states that Claims 4-10 are objected to as being in improper form. It is clear that Claims 4-10 as filed in the translation of the priority document (the "specification of record" Exhibit A) were in improper form. The applicant cancels Claims 1-10 from the specification of record and submits new Claims 11-37 (Exhibit D). New Claims 11-37 are the claims that should be reviewed by the USPTO.

Rejection of Claims 1-3 (paragraphs 8-10 of Office Action)

The USPTO states that the phrase "feeder mass" is unclear. The applicant respectfully asserts that "feeder mass" has a well-recognized definition, as disclosed in U.S. Patent No. 4,665,968 (the '968 Patent), which patent was cited by the USPTO. That patent discloses no particular required shape for a "feeder mass." Notice in the abstract of the '968 Patent that the feeder mass is described as having an outside shape of "a flattened sphere, a

flattened ellipsoid or a flattened pear." Notice also that at column 1, line 11 of the '968 Patent that the feeder mass has the shape of a "truncated cone or truncated pyramid." Notice at column 1, line 37-38 of the '968 Patent that the "feeder mass" was described as being the upper part of a mold. Notice at column 2, line 41 of the '968 Patent that the "feeder mass" was an elongated area forming a feeder volume. Note finally that the feeder mass in the drawings of the '968 Patent appears to be cylindrical, which is clearly a different shape from a truncated cone or truncated pyramid. Thus, a "feeder mass", as discussed in the '968 Patent, can be formed in many different shapes.

Notwithstanding, the applicant is not focusing on the shape of the feeder mass, but rather on its composition. Accordingly, the applicant has amended each of the new claims of the application, Claims 11-37, to replace "feeder mass" with "feeder composition" as suggested in paragraph 8 of the Office Action.

The Examiner has also objected to the term "roughly", which was contained in originally filed Claims 1-10 of the application. The applicant has responded to this objection by replacing the term "roughly" with the term "about" in new Claims 11-37, where appropriate.

The Examiner has also objected to the phrase "essentially free of fluoride fluxes." The applicant has responded to this objection by deleting this phrase from the claims and replacing it with the

phrase "has a content of fluoride comprising less than about 1.0 percent by weight of the feeder composition." Basis for this amendment is contained on page 2, lines 30-31 of the application as filed, Exhibit A.

The Examiner has also objected to the phrase "reactive aluminum oxide." In response thereto, the applicant has deleted the term "reactive", making the remaining phrase of the claims merely "aluminum oxide."

Rejection of Claims 1-3 under 35 U.S.C. 112 (paragraph 10)

The USPTO asserts that the applicant is improperly attempting to incorporate critical matter into the application by reference to DE-C-25 32 745. The applicant respectfully asserts that he is not incorporating new matter from that reference. This reference discloses subject matter that is distinctive from the subject matter claimed in the application as the composition of the material of the application contains a very low fluoride level. Regardless, the German document was never intended to be used to incorporate by reference the terms "feeder mass" or "activated aluminum oxide." Each of these phrases has previously been discussed in this Response. The applicant assumes that the amendment to the claims to replace the phrase "feeder mass" with "feeder composition" and the elimination of the term "activated" overcomes this objection.

Objections to spacing of the lines (paragraph 11)

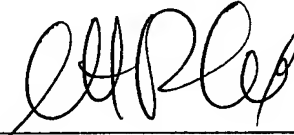
The Examiner has also objected to the spacing of the lines in the specification and claims. The applicant believes that the Substitute Specification (Exhibit C) and newly presented claims (Exhibit D) contain proper spacing for review by the Examiner.

If there are any additional changes needed to the claims or the specification, please contact applicant's counsel.

CONCLUSION

The applicant believes that he has responded completely to the Office Action of the United States Patent and Trademark Office dated December 17, 2002. If there are any additional comments, please contact applicant's counsel.

Respectfully submitted,



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Attachments

CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to Commissioner for Patents, Washington, D.C. 20231.

Dated:

April 15, 2003

Dorothy Goodlate

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